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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,537	10/16/2003	Hyun-kwon Chung	1101.0219	4036
869860 7590 10/20/2010 North Star Intellectual Property Law, PC P.O. Box 34688 Washington, DC 20043				
EXAMINER				
ZHEN, L I B				
ART UNIT		PAPER NUMBER		
2194				
NOTIFICATION DATE		DELIVERY MODE		
10/20/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@nsiplaw.com
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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/686,537	Applicant(s) CHUNG ET AL.
Examiner LI B. ZHEN	Art Unit 2194

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: N/A.
Claim(s) objected to: N/A.
Claim(s) rejected: 1,3,5-7,10,11,14,15,17-25 and 28-38.
Claim(s) withdrawn from consideration: N/A.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

Continuation of 11, does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. In response to the previous office action, applicant argues:

(1) "However, Kanazawa already discloses "control information providing functionality to enable the apparatus to identify buffering state information of the markup document to be preloaded into the apparatus" as recited in claim 1 because column 18, lines 4-7, of Kanazawa, which is part of column 18, lines 2-1 3, of Kanazawa relied on by the Office, states that "the DVD playback control program 116 will receive the URL addresses and check to see if the HTML files corresponding to the URLs have already been cached in the image display apparatus (steps S404 to S407)." Accordingly, there would have been no reason for one of ordinary skill to incorporate the "control information providing functionality" features allegedly taught in paragraphs [0066] and [0068] of Jones into Kanazawa's apparatus as proposed by the Office." [p. 11]

(2) "Although the Office considers paragraphs [0066] and [0068] of Jones to teach these features, it is submitted there would have been no reason for one of ordinary skill in the art to incorporate these features of Jones into Kanazawa's apparatus because Kanazawa's apparatus does not require these features of Jones to operate, and the Office has not identified any deficiency in Kanazawa's apparatus that might be corrected by incorporating these features of Jones into Kanazawa's apparatus, or any advantage that might be provided by doing so." [p. 12]

(3) "However, it is not seen where the "report signal" indicating whether the file or resource has been loaded that is generated by the file system I/O API is used by the "apparatus" in FIG. 12 of Jones "to verify. . . whether the markup document cannot be read due to an error, and whether the markup document is being read" as recited in claim 1 as alleged by the Office." [pp. 14, 17, and 21]

(4) "...it is submitted that Jones' preloader discarding the resource (or chunk of a resource) that it is currently trying to load when the preloader determines that the application has launched is the way Jones' preloader normally operates. It is not seen where Jones states that this is an error as alleged by the Office, or how one of ordinary skill in the art could reasonably conclude that this is an error as alleged by the Office." [p. 14]

(5) "It is not seen where Jones discloses that the "apparatus" in FIG. 12 of Jones uses this "report signal" to verify that the reading of the resource (or chunk of a resource) was interrupted due to the launching of the application, which the Office considers to be an "error" as recited in claim 1." [p.14]

(6) "However, as can be seen from paragraph [0066], lines 5-11, of Jones, the preloader indicates how much of the resource (or chunk of a resource) it was able to preload before suspending at the time it suspends preloading, which is before the file system I/O API generates the "report signal" indicating whether the file or resource has been loaded as described in paragraph [0072], lines 20-24, of Jones. At the time the file system I/O API generates the "report signal" indicating that the partially preloaded file or resource has not been loaded, the partially preloaded file or resource is not being read because the preloader has not yet resumed preloading resources because the preloader is still in the process of determining which resources still need to be preloaded. Furthermore, it is not seen where the "apparatus" in FIG. 12 of Jones ever verifies that a particular resource is being preloaded or read by the preloader." [p. 14]

(7) "...it is not seen where Kanazawa and Jones disclose anything whatsoever that may reasonably be considered to correspond to "staging the markup document for decoding in response to a retrieve signal" as recited in claim 32." [p. 19]

(8) "Thus, it appears that the Office is no longer relying on paragraph [0049] of Jones to show the feature "deleting the markup document in response to a discard signal" as recited in claim 32. It is respectfully requested that the Office confirm whether this is correct in the next Office Action, even if that Office Action is an Advisory Action." [p. 20]

As to argument (1), it is noted that Kanazawa discloses determining buffering state of a markup document (i.e. "check to see if the HTML files corresponding to the URLs have already been cached in the image display apparatus (steps S404 to S407)"; col. 18, lines 4 - 7). As indicated in the previous office action, Kanazawa does not specifically teach "control information comprises an application program interface..." (i.e. "it does not specifically teach that the identification is enabled by control information as claimed"). However, Jones teaches a buffer for preloading data (66, 72, 78, 88), identification is enabled by control information providing functionality (66, 68), the control information comprises an application program interface (API) (I/O API; 66) that generates a report signal used to identify a buffering state of the markup document (66, 68). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Kanazawa teaches identifying the buffering state and Jones teaches a way to enable identification of the buffering state that can be used when implementing the disclosure of Kanazawa.

As to argument (2), Kanazawa teaches a DVD playback control program that checks to see if HTML files have been cached (col. 18, lines 4 - 7). Kanazawa does not disclose how the program determines whether a HTML file has been cached or not. An application program interface is an interface implemented by a software program that enables it to interact with other software. Jones specifically discloses an I/O API that indicates whether a file or resource has been loaded. It would have been obvious to one of ordinary skill in the art that the DVD playback control program in Kanazawa would interact with an API to check to see if HTML files have been cached.

As to argument (3), Jones teaches Client 1205 that corresponds to the claimed apparatus (paragraph 0082 in Jones). Client 1205 executes preloader thread 1230 (paragraph 0087 in Jones). The preloader determine that one or more resources that it was going to preload were loaded by the application by checking a file system I/O API (paragraph 0068). The I/O API in Jones determines whether a file is already loaded. If the file is already loaded, the file has been successfully preloaded. If the file is not loaded, further information is used to determine the status of the file. When the I/O API indicates that a file is not located local to the client (68 and 69) and the preloader discards the resource or chunk of a resource which it was currently trying to load due to the launching of the application (66), the status of the file is that it cannot be read due to an error (the error being the interruption of the reading process due to the launching of the application). If the I/O API indicates that a file is not located local to the client (68 and 69) and the preloader indicate how much of the resource or chunk it was able to preload before suspending (66), then the status of the file is that the file is being read. Through the

execution of the preloader, the apparatus (i.e. Client) in Jones verifies whether the markup document cannot be read due to an error, and whether the markup document is being read.

As to argument (4), it is noted that the claims do not define the specific types of errors. When the preloader is interrupted during the preloading process and the incomplete file is discarded, the preloading process failed. Examiner interprets the failure to properly execute a process to be an error.

As to argument (5), Jones teaches Client 1205 that corresponds to the claimed apparatus (paragraph 0082 in Jones). Client includes operating system 312 for controlling the operation of the client computer [i.e. paragraph 0114]. The operating system of the Client would be notified when the preloader is suspended. Through the execution of the operating system, the apparatus (i.e. Client) in Jones determines an error when the preloader is suspended and the resource is discarded.

As to argument (6), if the I/O API in Jones indicates that a file is not located local to the client (68 and 69) and the preloader indicate how much of the resource or chunk it was able to preload before suspending (66), then the status of the file is that the file is being read. Although the preloader is temporarily interrupted, the preloader resumes preloading resources and start with where it left off (paragraph 0066). The preloader does not discard the chunk of resource and is able to continue from where it left off; therefore, the preloader is still performing the process of preloading/reading the resource.

As to argument (7), it is noted that neither the claims nor the specification identify additional details of the 'staging' process. Examiner interprets "staging the markup document for decoding" as preloading the document for processing. Specifically, the staging process as suspending the preloading and resuming the preloader to continue preloading the resource. As to the motivation for combining Kanazawa and Jones in the rejection of claim 32, examiner notes that the motivational statements in claims 14 and 25 are applicable because the claims recite similar limitations. For example, claims 14, 25, and 32 recite a report signal to determine a buffering state of a markup document.

As to argument (8), examiner confirms that paragraph 0066 of Jones teaches "deleting the markup document in response to a discard signal". Jones teaches "when the preloader determines that the application has launched" (discard signal), the preloader may discard the resource (or chunk of a resource) which it was currently trying to load. When the preloader discards the resource (i.e. not "chunk of a resource"), the preloader discards the markup document.